

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

HERRON LEE JOHNSON,

Plaintiff,

v.

MUSCOGEE COUNTY JAIL, et al.,

Defendants.

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No. 4:23-cv-00131-CDL-MSH

ORDER

Pro se Plaintiff Herron Lee Johnson, a former detainee of the Muscogee County Jail in Columbus, Georgia, filed a 42 U.S.C. § 1983 complaint. ECF No. 1. Plaintiff also requested leave to proceed *in forma pauperis*. ECF No. 2. On July 25, 2022, the Court granted Plaintiff's motion to proceed *in forma pauperis* and ordered Plaintiff to pay an initial partial filing fee of \$17.20. ECF No. 6. Plaintiff was further ordered to recast his complaint and provided with specific instructions on how to do so. *Id.* Plaintiff was given fourteen days to comply with the Court's order. *Id.* He was informed that failure to comply may result in dismissal. *Id.* Plaintiff failed to pay the initial partial filing fee or recast his complaint as ordered.

Therefore, on August 17, 2023, the Court notified Plaintiff that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply with this Court's order. ECF No. 9. The Court specifically informed

Plaintiff that his action would be dismissed if he failed to respond or otherwise pay the fee and file his recast complaint. *Id.* Plaintiff was given fourteen (14) days to respond, and he again failed to do so. *Id.*

Because Plaintiff has failed to respond to the Court's orders or otherwise prosecute his case, his complaint is **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 8th day of September, 2023.

S/Clay D. Land

CLAY D. LAND, JUDGE
UNITED STATES DISTRICT COURT